

Remarks

Upon entry of the foregoing amendment, claims 7-9 are pending in the application, with each being an independent claim. The amendments to claims 7-9 are believed to introduce no new matter, and their entry is respectfully requested.

Support for the amendments to the claims may be found throughout the specification and drawings.

Rejections under 35 U.S.C. § 102

Claims 7 and 8 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,038,840 to Ishimori *et al.* Claims 7 and 8 have been amended above.

Claim 7 as amended recites a hydraulic axle driving apparatus with an oil sump, chute for grass clippings, a transmission belt for driving the axle driving apparatus disposed to one lateral side of the chute, and an oil reservoir communicating with the oil sump disposed to the opposite lateral side of the chute as the transmission belt. Support for this amendment can be found at least in FIG. 3 of the present application, wherein the transmission belt (113) is disposed to one lateral side of chute (106), and the reservoir (10) communicating with the oil sump of hydraulic axle driving apparatus (6) is disposed on the opposite side of chute (106). The Examiner relies on a portion the belt for driving the mower blades of Ishimori *et al.* as the belt disposed on the opposite side of the chute from an oil reservoir (in the form of transmission 7,8). However, claim 7 specifically recites that the transmission belt is "for driving the axle driving apparatus." The belt relied upon by the Examiner is not for driving the axle driving apparatus, thus, Ishimori *et al.* does not disclose all of the features of claim 7. Further, even if the transmission shaft (16) of Ishimori *et al.* were replaced with a belt, it would be disposed on the *same side* of the chute as the reservoir (in transmission 7, 8 according to the Examiner).

Accordingly, Ishimori *et al.* does not disclose or render obvious each and every feature of claim 7.

Claim 8 has been amended to recite that the chute for grass clippings is disposed above the housing for the axle driving apparatus, and still recites that the oil reservoir is disposed sideways from the chute. Support for this amendment can be found at least at FIG. 3, wherein the chute (106) is disposed above the axle driving apparatus (6), and the reservoir (10) is disposed to one side of the chute. Ishimori *et al.* does not disclose such an arrangement. The axle driving apparatus of Ishimori *et al.* (transmission 7, 8) is disposed to the side of transport duct (14), as best seen in FIG. 3 of Ishimori *et al.* Thus, Ishimori *et al.* does not disclose every feature of independent claim 8.

For these reasons, Applicants respectfully request that the rejection of claims 7 and 8 be withdrawn.

Rejections under 35 U.S.C. § 103

Claim 9 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the Ishimori *et al.* patent in view of U.S. Publication No. 2003/0057009 to Abend *et al.* Applicants respectfully traverse the rejection. The Examiner relies on the Abend *et al.* publication as disclosing a belt driven axle driving apparatus instead of the direct drive axle drive of the Ishimori *et al.* patent. However, even if the direct drive of Ishimori *et al.* is replaced with the belt drive of Abend *et al.*, as proposed by the Examiner, the belt and reservoir would not be located on opposite sides of the input pulley, as recited in the claim 9. Applicants therefore respectfully request that the rejection be withdrawn.

Conclusion

Prompt and favorable consideration of this Amendment and Reply is respectfully requested. Applicants believe the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to be 'A. Ferro', written over a horizontal line.

Albert L. Ferro
Attorney for Applicants
Registration No. 44,679

Date: March 3, 2005

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

370664_1.DOC